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(Date of Deposit)

By Rachelle Vieira

Docket #15619/03/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yamamoto, H., et al.

Serial No. 09/075,375

Filed: May 7, 1998

For: PLANT VDE GENES AND
METHODS RELATED THERETO



Examiner: Zaghmout, O.

Art Unit: 1649

TERMINAL DISCLAIMER

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

Dear Sir:

The owner of total interest in the instant application, Calgene LLC (successor by merger of Calgene, Inc.), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,015,939. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, applicant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 54 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination

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certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the applications or any patent issued thereon.



Sincerely,

A handwritten signature in black ink, appearing to read "Alissa M. Eagle".

Alissa M. Eagle
Reg. No. 37,126